

50



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/066,085 | 01/31/2002 | Gunther Silberbauer | GR-48 | 2432 |

7590 04/22/2004

FRIEDRICH KUEFFNER
317 MADISON AVENUE
SUITE 910
NEW YORK, NY 10017

EXAMINER

DEUBLE, MARK A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3651

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,085

Applicant(s)

SILBERBAUER, GUNTHER

Examiner

Mark A. Deuble

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/31/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al. (U.S. Patent No. 6,315,107), as in paper number 5.
3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Osako et al. (U.S. Patent No. 5,678,813), as in paper number 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3651

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al., as in paper number 5.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osako et al., as in paper number 5.

7. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. (U.S. Patent No. 4,198,039), as in paper number 5.

Allowable Subject Matter

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed December 30, 2003 have been fully considered but they are not persuasive.

In regard to the rejection of claims 1 and 3-4 under 35 U.S.C. 102(e) and 103(a) over Mueller et al., applicant's representative argues that because the chains 2 and 3 have overlapping ends they are arranged behind one another rather than above one another as provided in the independent claim. While it is true that the saddle shaped support formed by the chain 2 is not arranged above the conveying device formed by the chain 3 in the same fashion illustrated in Fig. 1 of the present application, the chain 2 may still be viewed as being above the chain within a broad reasonable interpretation of the word above. This is because the upper surface of the chain 2 is above the upper surface of the chain 3 for at least a portion of their overlapping area.

Art Unit: 3651

In regard to the rejection of claims 1 and 3 under 35 U.S.C. 102(e) and 103(a) over Osako et al., applicant's representative argues broadly that the reference does not disclose or suggest a saddle-shaped support configured to be supplied by a sheet feeder with printed sheets in a certain sequence wherein the saddle-shaped support is arranged above a conveying device transporting the printed products to a further processing step as in the presently claimed invention. It should be noted, however, that each of these elements are shown in Osako et al. as was pointed out in section 4 of paper number 5 and thus it is unclear which of the above elements the applicant's representative believes is missing. Furthermore, the saddle shaped support formed by the first conveyor 111 that is configured to be supplied by a sheet feeder with printed sheets (because it could receive sheets from the feeder 114 or any other feeder in a certain sequence astride and atop one another) is clearly above the conveying device 117 in the fashion of the present application and therefore the argument applied to Mueller et al. also does not apply to Osako et al.

In regard to the rejection of claims 1 and 3-4 under 35 U.S.C. 103(a) over Bryson et al., applicant makes the same arguments made above in regard to Osako et al. and Mueller et al. It should be noted, however, that each of these elements are shown in Bryson et al. as was pointed out in section 8 of paper number 5 and thus it is unclear which of the above elements the applicant's representative believes is missing. Furthermore, the saddle shaped support formed by the first conveyor 130 that is configured to be supplied by a sheet feeder with printed sheets (because it could receive sheets from the pile of sheets 104 or any other feeder in a certain sequence astride and atop one another) is clearly above the conveying device 16 in the fashion of

Art Unit: 3651

the present application and therefore the argument applied to Mueller et al. also does not apply to Bryson et al.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

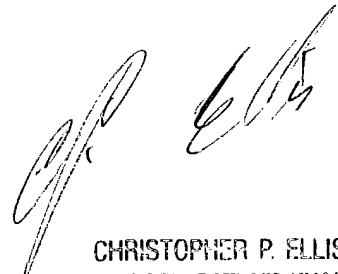
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER GROUP